

(2) No industrial supplier, mill supplier, plumbing supply house or other person engaged in the business of distributing brass mill or wire mill products to industry or trade, shall deliver or cause to be delivered any brass mill product or wire mill product, unless such delivery is made to fill an order bearing the appropriate allocation classification and purchaser's symbol (pursuant to Priorities Regulation No. 10) and bearing a preference rating of AA-5 or higher.

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War Production Board Priorities Regulation No. 10, issued June 1, 1942 (7 F. R. 4198), provided in pertinent part as follows:

ESTABLISHMENT OF ALLOCATION CLASSIFICATION SYSTEM

§ 944.31 *Priorities Regulation No. 10; Allocation classification system*—(a) *Classification system established.* There is hereby established an allocation classification system, in accordance with the instructions issued by the Director of Industry Operations on the date of issuance of this regulation. Except as provided in paragraph (b) below, the appropriate allocation classification symbol and purchaser's symbol as required by said instructions shall be indicated by every person placing a purchase order or contract on:

(1) All purchase orders or contracts placed after June 30, 1942;

(2) All purchase orders or contracts, either heretofore or hereafter placed, calling for delivery after July 31, 1942. Any person who has heretofore placed such a purchase order or contract may at any time hereafter and shall before July 31,

1942, notify the person with whom such purchase order or contract has been placed of the symbols applicable thereto.

(b) *Exceptions as to retail purchases.* The provisions of paragraph (a) hereof shall not be applicable to retail purchases, purchases by retailers or purchases by distributors for resale to retailers. Industrial and mill suppliers, warehouses and other businesses performing similar functions for industry shall not be deemed retailers for the purposes of this paragraph.

(This regulation was revoked November 5, 1942 (7 F. R. 9028)).

War Production Board Priorities Regulation No. 13, as amended to September 23, 1942 (7 F. R. 7522), provided in pertinent part as follows:

SPECIAL SALES OF IDLE OR FROZEN MATERIALS

§ 944.34. *Priorities Regulation 13—(a)*
Purpose. The purpose of this regulation is to provide uniform rules governing special sales of idle or excess materials by persons who are not regularly engaged in the business of selling such materials, including distress and liquidation sales and sales by persons who, by reason of the effect of priority orders or for other reasons, cannot use such materials in the regular course of their business. This regulation does not authorize receipt or use of any material by any person in violation of any inventory, quota or use restrictions imposed by any order or regulation.

(b) *Definitions:* For the purposes of this regulation:

(1) "Sale" of a material includes any public or private sale, auction sale, sale upon foreclosure of any lien or mortgage,

or delivery of such material in exchange for money or for any other material and the sale of any warehouse receipt, bill of lading or other document evidencing an interest in such material, but does not include the pledge or mortgage or other creation of any lien upon such material or the transfer of possession of such material without any transfer of title.

(2) "Special sale" means any sale except that:

(i) A sale of any material by any person who regularly in the course of his business sells such material in the same form is not a special sale. * * *

(c) (2) Subject to paragraph (e) of this regulation, any person may make a special sale of any war material if the sale falls within one of the following categories, and no person may make any special sale of any war material if such sale does not fall within one of the following categories:

(iii) A sale of a single lot of war material * * * at an aggregate price of less than \$100. This exception does not permit the dividing of a single lot having a value of over \$100 into smaller lots and selling such smaller lots for less than \$100 under this subparagraph.

